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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,923	03/25/2004	Charles E. Taylor	SHPR-01361USK	6758
23910	7590	11/14/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/809,923

Applicant(s)

TAYLOR ET AL.

Examiner

Phung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, and 26-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 9-16, 19, 24, 27-32, 34, 36-46, 49, and 51-55 are rejected under 35

U.S.C. 102(b) as being anticipated by Taylor et al. (U. S. Pat. 6,312,507).

**Regarding claim 1:** Taylor et al. disclose electro-kinetic ionic air refreshener-conditioner for pet shelter and litter box comprising a first electrode; at least two second electrode; an interstitial electrode disposed between the second electrodes; a voltage generator electrically coupled to the first electrode and the second electrodes in order, when energized, to create a flow of air in a downstream direction from the first electrode to the second electrode; and an environmental sensor, wherein the output of the voltage generator is adjusted based on a signal from the sensor (figures 4D and 4H, col. 4, lines 30-45, col. 6, lines 53-57, and col. 11, lines 39-51).

**Regarding claim 2:** Taylor et al. disclose wherein the environmental sensor is a particulate detector (col. 3, lines 2-8, and col. 4, lines 36-38).

**Regarding claim 7:** Taylor et al. disclose wherein the first electrode, the second electrodes, and the voltage generator are on a base unit and the environmental sensor is on a remote unit (figures 2a and 2c, col. 4, lines 30-45).

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**Regarding claim 9:** Taylor et al. disclose wherein the first and second electrodes, the voltage generator, and the environmental sensor are on a single unit col. 4, lines 39-45).

**Regarding claim 10:** Taylor et al. disclose a control unit adapted to adjust the voltage generator based on the signal from the sensor (col. 6, lines 53-57).

**Regarding claim 11:** Taylor et al. disclose wherein the control unit adjusts a peak voltage of the voltage generator output (col. 7, lines 45-49).

**Regarding claim 12:** Taylor et al. disclose wherein the control unit adjusts a duty cycle of the voltage generator output (col. 7, lines 45-49).

**Regarding claim 13:** Taylor et al. disclose wherein said first electrode is an ion emitter and the second electrodes are a collector of particulate (col. 12, lines 4-7).

**Regarding claim 14:** Taylor et al. disclose wherein the first electrode is positively charged and the second electrodes are negatively charged (col. 6, lines 28-33).

**Regarding claim 15:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 16:** Refer to claim 2 above.

**Regarding claim 19:** Taylor et al. disclose a environmental sensor adapted to detect the environmental condition (col. 4, lines 36-38).

**Regarding claim 24:** Refer to claim 7 above.

**Regarding claim 27:** Refer to claim 9 above.

**Regarding claim 28:** Refer to claim 11 above.

**Regarding claim 29:** Refer to claim 12 above.

**Regarding claim 30:** Refer to claim 13 above.

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**Regarding claim 31:** Refer to claim 14 above.

**Regarding claim 32:** All the claimed subject matter is already discussed in respect to claims 1 and 2 above.

**Regarding claim 34:** Refer to claim 7 above.

**Regarding claim 36:** Refer to claim 9 above.

**Regarding claim 37:** Refer to claim 10 above.

**Regarding claim 38:** Refer to claim 11 above.

**Regarding claim 39:** Refer to claim 12 above.

**Regarding claim 40:** Refer to claim 13 above.

**Regarding claim 41:** Refer to claim 14 above.

**Regarding claim 42:** Taylor et al. disclose wherein the voltage generator creates a flow of air in a downstream direction from the first electrode to the second electrodes (col. 4, lines 52-61).

**Regarding claim 43:** All the claim subject matter is already discussed in respect to claims 1 and 42 above.

**Regarding claim 44:** Refer to claim 11 above.

**Regarding claim 45:** Refer to claim 12 above.

**Regarding claim 46:** Refer to claim 2 above.

**Regarding claim 49:** Refer to claim 7 above.

**Regarding claim 51:** Refer to claim 9 above.

**Regarding claim 52:** Taylor et al. disclose wherein electrical potential is produced by a voltage generator (col. 6, lines 53-56).

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**Regarding claim 53:** Taylor et al. disclose wherein a control unit adjusts output of the voltage generator based on the signal from the sensor (col. 6, lines 53-57).

**Regarding claim 54:** Refer to claim 13 above.

**Regarding claim 55:** Refer to claim 14 above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 17, 18, 20-23, 33, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (U. S. Pat. 6,312,507).

**Regarding claims 3-6:** Taylor et al. do not teach wherein the particulate detector is a photoelectric unit; wherein the environmental sensor detects the presence of humans or animal; wherein the environmental sensor is a passive IR detector, or wherein the environmental sensor is an ozone sensor. Since Taylor et al. disclose an ammonia sensor or other sensors may be used (col. 3, lines 6-8, and col. 5, lines 63-65), it would be obvious to the skilled artisan to employ other sensors (e.g., passive IR detector or ozone sensor) in the system of Taylor et al. in order to extend the use of the device which is an advantage.

**Regarding claims 17, 18, and 20-23:** Refer to claims 3-6 above.

**Regarding claims 33, 47, and 48:** Refer to claims 3-6 above.

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5. Claims 8, 26, 35, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (U. S. Pat. 6,312,507) in view of Posadas (US 2003/0165040).

**Regarding claim 8:** Taylor et al. do not teach wherein the remote unit communicates with the base unit wirelessly. However, the use of the wireless communication is old and well known in the art. Furthermore, Posadas discloses ionizer control system including the remote unit communicates with the base unit wireless (paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the technique of Posadas in the system of Taylor et al. so that the remote unit can communicate with the base unit if desired.

**Regarding claim 26:** Refer to claim 8 above.

**Regarding claim 35:** Refer to claim 8 above.

**Regarding claim 50:** Refer to claim 8 above.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24, and 26-55 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on 571-272-2964. The fax phone number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a stylized flourish at the end.

Date: November 9, 2006